

Docket No. 210217US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

Ichiro YAMASHITA : GROUP ART UNIT: 1632

SERIAL NO: 09/893,666 : EXAMINER: WOITACH

FILED: JUNE 29, 2001 : ALLOWED: NOVEMBER 19, 2003

FOR: HIGH ESTROGEN-SENSITIVE MEDAKA FISH

PETITION UNDER 37 C.F.R. §1.181(a)(3)

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450

SIR:

Petitioners respectfully request the Office to invoke the supervising authority of the Commissioner and consider Petitioners' Comments on Statement of Reasons for Allowance, concurrently filed herewith, and also indicate that U.S. 5,903,305, which was cited on the Information Disclosure Statement filed on December 19, 2001, and JP 2000-201688, which was originally cited on the Information Disclosure Statement filed on December 19, 2001 and again on the Information Disclosure Statement filed on May 20, 2003, have been considered.

Petitioners respectfully request that the Examiner acknowledge consideration of same by providing Applicants with an initialed copy of Form PTO-1449 enclosed herewith listing this reference. Petitioners submit herewith copies of the Information Disclosure Statements as filed on December 19, 2001 and May 20, 2003, as filed, along with copies of the date-stamped filing receipt evidencing the timely filing thereof.

For the reasons given above, this petition should be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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(OSMMN 08/03)

NFO:VKS



lme

OSMM&N File No. 210217US0

Serial No. 09/893,666

In the matter of the Application of: Ichiro YAMASHITA

For: HIGH ESTROGEN-SENSITIVE MEDAKA FISH

Dept.: PP

By: NFO/shb

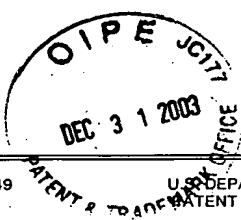
Due Date: 05/30/03

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Information Disclosure Statement
- Cited References (1)
- JAPANESE Office Action (with English translation)

COPY



Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY DOCKET NO.
210217US0SERIAL NO.
09/893,666

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT
Ichiro YAMASHITAFILING DATE
June 29, 2001GROUP
1632

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO	2000-201688	07/25/2000	JAPAN (with English Abstract)		X
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

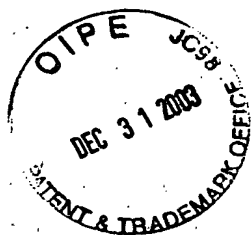
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW		
	AX		
	AY		
	AZ		<input type="checkbox"/> Additional References sheet(s) attached

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Handwritten initials: *AY*

Dept.: PP
By: NFO/hc

OSMM&N File No. 210217US0

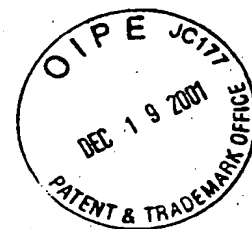
Serial No. 09/893,666

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For: HIGH ESTROGEN-SENSITIVE MEDAKA FISH

The following has been received in the U.S. Patent Office on the date stamped hereon:

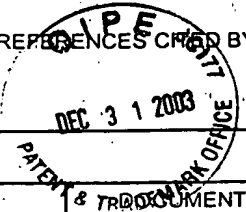
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|---|---|
| <input type="checkbox"/> pp. Specification & Claims/Drawings | Sheets |
| <input type="checkbox"/> Combined Declaration, Petition & Power of Attorney | pages |
| <input type="checkbox"/> List of Inventor Names and Addresses | |
| <input type="checkbox"/> Utility Patent Application | <input type="checkbox"/> CPA |
| <input type="checkbox"/> Notice of Priority | <input type="checkbox"/> Priority Doc |
| <input type="checkbox"/> Check for | <input checked="" type="checkbox"/> Dep. Acct. Order Form |
| <input type="checkbox"/> Fee Transmittal Form | |
| <input type="checkbox"/> Assignment/PTO-1595 pages: | |
| <input type="checkbox"/> Letter to Official Draftsman | |
| <input type="checkbox"/> Letter Requesting Approval of Drawing Changes | |
| <input type="checkbox"/> Drawings | sheets <input type="checkbox"/> Formal |
| <input type="checkbox"/> Letter | |
| <input type="checkbox"/> Amendment | |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input checked="" type="checkbox"/> PTO-1449 |
| <input checked="" type="checkbox"/> Cited References (8) | |
| <input checked="" type="checkbox"/> EUROPEAN Search Report | |
| <input type="checkbox"/> Statement of Relevancy | |
| <input type="checkbox"/> English Abstracts, Concise Explanation, English Translation, Partial English Translation () | |
| <input type="checkbox"/> IDS/Related/List of Related Cases | <input type="checkbox"/> Cited Pending Applications () |
| <input type="checkbox"/> Restriction Response | <input type="checkbox"/> Election Response |
| <input type="checkbox"/> Rule 132 Declaration | |
| <input type="checkbox"/> Petition for Extension of Time | |



Due date: 12-19-01

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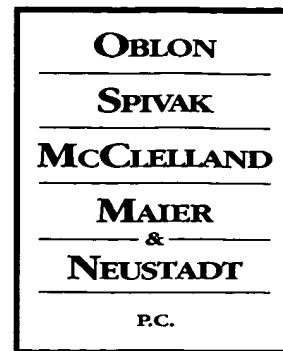


Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 210217US0		SERIAL NO. 09/893,666	
LIST OF REFERENCES CITED BY APPLICANT 				APPLICANT Ichiro YAMASHITA			
				FILING DATE June 29, 2001		GROUP 1645	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,903,305	05/11/99	T. YAMAMOTO			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AO	WO 00/49150	08/24/2000	WIPO			
	AP	2000-201688	07/25/2000	JAPAN (with AN AAA92174 and AN AAA92175)			X
	AQ						
	AR						
	AS						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AT	Patent Abstracts of Japan, JP 2001 122899, May 8, 2001					
	AU	T. KAWAHARA, et al., Zoological Science, vol. 17, no. 5, pages 643-649, "CLONING AND EXPRESSION OF GENOMIC AND COMPLEMENTARY DNAs ENCODING AND ESTROGEN RECEPTOR IN THE MEDAKA FISH, ORYZIAS LATIPES", July 2000					
	AV	H. OKADA, et al., Database Swall EBI, AN D28954, "ORYZIAS SP. mRNA FOR ESTROGEN RECEPTOR, COMPLETE CDS", April 23, 1994 and H. OKADA, et al., Database Swall EBI, AN P50241, "ORYZIA LATIPES ESTROGEN RECEPTOR", October 1, 1996					
	AW	S. TAGAKI, et al., Molecular Marine Biology and Biotechnology, vol. 3, no. 4, pages 192-199, "AN EFFICIENT EXPRESSION VECTOR FOR TRANSGENIC MEDAKA CONSTRUCTION", August 1, 1994					
	AX	M. GRAY, et al., Environmental Toxicology and Chemistry, vol. 18, no. 11, pages 2587-2594, "REPRODUCTIVE SUCCESS AND BEHAVIOR OF JAPANESE MEDAKA (ORYZIAS LATIPES) EXPOSED TO 4-TERT-OCTYLPHENOL", November 1999					
Examiner					Date Considered		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							



Image

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COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 09/893,666
Applicants: Ichiro YAMASHITA
Filing Date: June 29, 2001
For: HIGH ESTROGEN-SENSITIVE MEDAKA FISH
Group Art Unit: 1632
Examiner: WOITACH, J.
Allowed: November 19, 2003
Conf. No.: 9403

SIR:

Attached hereto for filing are the following papers:

Petition Under 37 C.F.R. 1.181(a)(3)
Copy Form PTO 1449 (as filed May 20, 2003)
Copy of Date-Stamped Filing Receipt (dated May 20, 2003)
Copy of Form PTO 1449 (as filed December 19, 2001)
Copy of Date-Stamped Filing Receipt (dated December 19, 2001)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

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